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## A review of the Defra Catchment Based Approach Policy Framework

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# A review of the Defra Catchment Based Approach Policy Framework

## The Catchment Systems Group

October 2016

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The Catchment Systems Group is an affiliation of UK researchers on water governance and catchment management issues. Members contributing (in alphabetical order) include:

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### Introduction

The Catchment Systems Group (CSG) is pleased to be invited by Defra to review the [Catchment Based Approach \(CaBA\) Policy Framework](#) (May 2013). The following is a collective response from the CSG.

### Scope, limitations and terms of the review

This review was undertaken during October 2016. As the review was very rapid (in an attempt to coincide with strategic national environment policy considerations) and unfunded, what follows should be considered as a high-level review; raising questions and pointers for further research and evidence gathering. CSG members drew upon their own experience, documents provided by the Defra group, other sources and CSG members' understanding of their research evidence in developing the review. Three questions were specified:

1. Is the CaBA Policy Framework still fit for purpose?
2. Is the purpose and goal of the Policy Framework still being met?
3. What changes are required to improve wider partnership working or how the CaBA Policy Framework might be expanded?

We are acutely aware of the uncertainties associated with Brexit and therefore our review is inevitably subject to revision as national policy and legislative priorities emerge. This includes possible responses to the expected consultation on Defra's 25 Year Environment Plan.

### 1. Is the CABA policy framework still fit for purpose?

The CaBA Policy Framework (PF) was published in May 2013 with the objective of establishing:

*"...more locally focussed decision making and action should... support river basin management planning as part of Water Framework Directive activities."*

This included establishing Catchment Partnerships (CPs) to better understand what they could and should achieve to improve locally-led governance.

We acknowledge that the PF was very much written as part of the early stages of CaBA. To remain fit for purpose, the PF needs to reflect a more mature view of the current situation, aspirations and research, as noted in various points below.

The PF framing of 'catchments' in the following terms is positively supported by CSG:

*"The water environment is affected by every activity that takes place on land as well as through our actions in abstracting, using and returning water to rivers, the sea and the ground. Catchments are the natural scale to consider this aspect of the environment. We firmly believe that better coordinated action is desirable at the catchment level by all those who use water or influence land management and that this requires greater engagement and delivery by stakeholders at the catchment as well as local level, supported by the Environment Agency and other organisations."*

However, since publication of the PF in 2013, we do not see relevant institutional arrangements coming into play that support this framing, nor enable associated practices to work as effectively as possible. For example, although national coverage of the CPs and multi-organisational participation has been established as described above there is no formal mandate or licence for them to operate, formal accountability mechanisms, or financial and policy provisions to ensure that they will be sustained.

An updated PF could provide this mandate and a policy framework for accountability and sustainability. In addition, CPs often do much more than just feed into the river basin planning processes under the Water Framework Directive (WFD). A new PF is needed that is more holistic in emphasis enabling stronger alignment across planning regimes (grey, green and blue infrastructure) and with better links across organisations, and institutions (e.g. the National Infrastructure Commission) and society for multiple benefits.

Nonetheless, it is clear that the PF has enabled significant work to be done at the catchment level (please see below for distinction between level and scale), in terms of forming partnerships, engaging in local level assessment and planning in many cases and bringing a sense of national and regional impetus to a range of locally based stakeholders. In this sense, the PF has served as a device for co-ordinating action and investment in a range of practices and resources to fill a perceived gap in governance.

The PF was designed to allow for a breadth of interpretation by CPs to maximise uptake, opportunities and allow for creativity in different contexts and we strongly support the strategy in the original policy document to:

*"deliberately not try... to prescribe how and when local initiatives should work".*

We urge this design principle should be retained as it offers scope for building (on existing) networks, enthusiasms and resources which can be expanded to encompass the wider set of governance needs over time.

Whilst broad guidelines and policy ambitions, as opposed to strict single issue (e.g. water) targets are desirable, CaBA under the PF has been shown to enable a genuinely holistic, systems approach. For example, many CPs have evolved in an inclusive way to engage widely with regulatory and statutory organisations, businesses, NGOs and local community groups, aligning local and regional knowledge and expertise. By aligning working practices and future plans between groups to leverage greater investment in catchment management more locally relevant research and innovative interventions have emerged. A key point we note is that many issues beyond just water were facilitated by this approach. This needs to be enabled rather than constrained. As such, a definitive requirement to meet an imposed

‘ideal’ of a CP and a narrow WFD focus could reduce take-up and participation from wider sets of stakeholders who do not see single issue (e.g. water) targets as their prime motivation.

A key factor in determining ‘fitness for purpose’ therefore centres on: how the goal and mandate of the PF determines which groups are part of, or excluded from, the CPs; how the composition of a CP affects their choice and framing of the issues/problems; the mandates they have given themselves; and the scope of their subsequent catchment assessment, planning and management interventions. Part of the problem here is that the current policy framework is very WFD focussed which can exclude other stakeholders whose prime focus is elsewhere (e.g. agriculture, biodiversity, climate or energy). This suggests there is still a basic need for an initial comprehensive appraisal to identify the key issues and concerns within each identified catchment area. Such a process should not be constrained or pre-determined by a particular agenda or frame regarding, for example, water, agriculture, energy, forestry, biodiversity, urban development or any other particular set of concerns. The purpose of the catchment appraisal process should be to identify the key connections associated with the particular catchment system, recognising that some of the most important relationships will be cross-scale in nature, with the implication that future CP designs which are more multi-layered and polycentric in nature may emerge and not overly constrained by a single-spatial scale mentality. In other words, CPs should reflect the principle that catchments themselves are dynamic and un-bounded socio-biophysical systems and that effective planning and management requires a collaborative regime of partnership working that is capable of working across all relevant scales and jurisdictions under a flexible and enabling governance framework.

We note that the PF acknowledges the need for linkages with other groups and initiatives but there is a need for more on how this is being done across other regimes (e.g. grey, green and blue infrastructure planning) on provisions necessary to enable it and on the need to be more holistic in emphasis (e.g. acknowledging the influence of more recent ‘nexus-based’ approaches<sup>1</sup>).

An updated policy framework could provide this mandate for CPs to operate in a more holistic and integrated way across different sectors and stakeholder groups. However, the trade-off between a formalised mandate and the emergence of bottom-up inclusive CPs that reflect the local social-biophysical system needs to be carefully considered. Thus, as part of the Localism agenda<sup>2</sup>, the emphasis on local decision making processes is certainly still a positive fit - as both a message in its own right, and as a means of linking across scales and governance remits.

A focus on linking the scales of activity for CaBA is a key element for further debate and development, concerning what are the ‘right’ scales and how activity can be best coordinated. Evidence from the Scottish Borders *Land Use Strategy* and, in England, under the *Land, Life and Livelihoods* projects suggests very local (sub-catchment and smaller) is the appropriate scale if real community ‘buy-in’ is sought.

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<sup>1</sup> **Nexus based approaches** are essentially systems approaches designed to increase understanding of the connections and interdependencies across sectors and ‘silos’ to promote interdisciplinary solutions and opportunities for mutually beneficial responses, enhancing the potential for cooperation and collaboration between and among sectors to realize the synergies that can result and to better manage trade-offs.

<sup>2</sup> **The Localism Act** (2011) changes the powers of local government in England. The aim of the act is to facilitate the devolution of decision-making powers from central government control to individuals and communities.

In respect of a post-Brexit world, the opening framing of the CaBA PF remains only partially relevant. Based on their various research and scholarship, CSG members, support the claim that:

*“more locally focussed decision making and action should sit at the heart of the debate about the future direction of improvements to the water environment and support river basin management planning”.*

However, we would recommend more critical attention to this matter in the light of subsequent political decisions and research experience, namely:

- In a post-Brexit world, and in the interests of long-term catchment level governance that is systemic, and thus responsive to rapidly varying contexts (due particularly to climate change and population growth), it makes much more sense to see the WFD and other EU directives (e.g. the Habitats Directive) as subsystems of CaBA rather than seeing the WFD and other EU directives as the purposes CaBA serves.
- For catchments to be systemically governed over time they need to be understood as coupled systems - social and ecological (biophysical), and thus dynamic and co-evolutionary.
- Locally focused decision making within a systemic framing means operating at multiple levels of organisation from the community working at the level of a small stream, up through river reach, whole river catchment system or an aggregation of river systems. Institutional arrangements including provisions for financing mechanisms and accountability are needed to support and encourage (build citizen) stake-holding across these multiple levels and the necessary means for communication and coordination.

From the above, we argue that the current PF definition of a ‘catchment partnership’ is no longer adequate:

*“**Catchment Partnership:** Working at the catchment level, this partnership is a group that works with key stakeholders to agree and deliver the strategic priorities for the catchment and to support the Environment Agency in developing an appropriate River Basin Management Plan, required under the Water Framework Directive.”*

We urge that this definition needs to be changed consistent with the arguments presented above and below.

Recent insights into systemic water governance (e.g. CADWAGO <http://www.cadwago.net/>), indicate that an emphasis on social-natural systems is needed to promote development of adaptive and resilient governance policies. We argue that there are severe limitations for future policy and practice if the current PF definition of a ‘catchment’ is maintained:

*“**Catchment:** A geographic area defined naturally by surface water hydrology. Catchments can exist at many scales but within this framework, we have adopted the definition of Management Catchments that the Environment Agency uses for managing availability of water for abstraction as our starting point.”*

Instead we suggest the following:

***Catchment:** A coupled social-ecological system mediated by water and environmental flows in a mutually influencing co-evolutionary dynamic that can exist*

*at multiple scales depending on the dynamics of ecology and socially determined governance imperatives.*

We argue that this definition more accurately captures the complexity and multi-dimensionality of contemporary situations in catchments and recognises the interplay between human and ecological and also biophysical systems necessary for their managing. Such a definition can facilitate the evolution of place-specific, multi-scale and polycentric collaborative working as envisaged above, yet a balance must still be found in the PF for designation (time-bound) of relevant “host”/coordination roles and associated provision for financing and accountability.

## **2. Is the purpose and goal of the policy framework still being met?**

The local institutional arrangements, capacities and outcomes envisaged by the PF inevitably require time to develop. More detailed evidence would be valuable but evaluations to date suggest that much of value has been achieved, although given the national coverage of CaBA, and varying path dependence in each location, some unevenness in outcomes is inevitable.

The CaBA National Support Group (NSG) was established after the PF was published to: help ‘evolve’ the approach through a range of services including collective joint leadership; development of an evidence base; and technical support on several topics including stakeholder engagement, capacity and capability building.

Our assessment of the NSG’s role is that it is currently providing vital support to CaBA and CPs because of its collaborative nature and structure. While there are always areas for improvements, we advise caution against this role being invested in a single agency as a ‘sole’ owner of CaBA under any future arrangements. Unless there is cast-iron commitment to collaborative decision-making and partnership action, such sole ownership in a single agency would risk making the CPs too formalised and merely a mechanism in a top-down hierarchy.

## **3. What changes are required to improve wider partnership working or how the CaBA policy framework might be expanded?**

We reiterate our concern that the PF is heavily focussed on the WFD and our sense that some CPs may not see their main purpose as addressing river ecology and water quality issues directly related to the WFD. The extent to which CPs, as non-statutory, voluntary, ‘hosted’ catchment management partnerships are, or could be, integrated catchment planning and management (i.e. systemic governance) collaborations in the wider sense is open to question and needs further research. If current government policy priorities and efforts are to progress ‘Local Integrated Delivery’ (LID) under the Government’s 25 Year Environment Plan, the PF is likely to need revision to enable the CPs to meet that purpose. The exact changes will depend on how LID is itself defined and its scope. If LID is going to encompass some of the functions and issues that fall within the jurisdictions of, for example, local authorities and the Defra group, then a more formalised institutional model would need to be created. This is not a decision to be taken lightly. There is a significant difference between encouraging local partnerships to tackle river-related ecology and conservation issues – while not changing or interfering with existing formal institutional arrangements for land and water – and on the other hand, creating something much more comprehensive and integrated that is designed to bring many aspects of water and land management together across multiple scales. While expanding the focus might enable integration, we would caution that the expansion risks losing very localised, grass-roots and

community-based stakeholder support, unless the role of this is explicitly recognised, mandated and provided for. Both are needed for the systemic governing of catchments.

We are aware of a perspective that the Environment Agency has now 'operationalised CaBA' and that Defra can now reduce its hands-on involvement with CaBA, passing over responsibility to the Environment Agency. In our view, to give total operational governance of CaBA to the Environment Agency risks committing the strategy in the long term to insignificance. CaBA is a prime policy setting for Defra to initiate processes of systemic co-design and co-governance if the right framing, investment and organisational/institutional arrangements are made. In this regard savings might well be made by forging closer relations between CaBA and local government and policies concerned with human health and well-being, biodiversity conservation, flood management, agricultural policy (e.g. nitrate and phosphorus managing strategies), soil erosion and, in cities, policies associated with developing water sensitive urban design. These remits and opportunities are beyond the scope and resources of the Environment Agency alone. Working in partnership to address many of these issues that arise on a catchment basis and scale by using natural measures will also deliver wider water quality, biodiversity and other benefits.

At the same time, CPs are now being directed to ensure that Government funds received for CaBA must be used only to advance WFD implementation. We support CaBA and the CPs moving beyond just WFD compliance and placing more emphasis on delivering wider objectives and benefits and leveraging funding. If CaBA is confined to just water quality rather than a wider interpretation, then we have significant concerns about the narrowing of agendas and reversion to technical aspects of the WFD. This is a strategy likely to lose stakeholders' interest and commitment. Our sense of the strength and successes of the CPs is that they are achieving some of the objectives of WFD *because* of their focus on other, multiple, objectives. In other words, a singular focus on WFD objectives will be counterproductive and stifle creativity, flexibility and effectiveness.

This will be especially true if changes are imposed 'from above'. Although the CPs are a scale 'below' WFD River Basin Districts, they are still large in the sense of community. Experience from other initiatives and projects suggest that truly 'bottom-up' initiatives are started from a perceived need of a community. In this case, communities tend to relate to their sense of belonging and their sense of place. Some organisations do not have the interest or capacity to engage in a more holistic understanding of integrated catchment management. Many cannot engage with communities beyond a six-monthly 'partnership project meeting' or sustain such interest and involvement in the long-term. However, as long as CPs are seen to be fit-for-purpose and contribute to the relevant local community and their priorities, members will continue to be involved.

This leads to a question:

*What will CPs want and need to prosper in the future?*

We suggest personnel, resources, skills, and technical support to understand the nature of the situations are likely to be key factors. Knowledge creation and exchange are also significant components and usually under-recognised and resourced. Being part of a formal (though not statutory) framework within which to act, with resources that can be called upon, and a network of support/communication to allow the interchange of knowledge and techniques would be important elements for success. To date, these have been provided to greater or lesser extent by the PF, Defra, the Environment Agency and the CaBA NSG. But to enable local integrated delivery, a formal commitment by local government to the work of CPs is needed. A CP's ability to provide space for and/or facilitate 'grass-roots' actions

which are nested within wider policy and practice agendas will be key to success and this will require resourcing and crucially, buy-in by all parties. Once such buy-in and hence earned legitimacy at local level is achieved there needs to be formal recognition that the resulting local assessment and planning processes can 'lead' and hence establish priorities and resource allocations, subject to being consistent with higher level policy goals and existing regulation.

We note that the PF focusses on 'scale' rather than 'level'. The latter can be considered narrowly in terms of hierarchies of authority and power but a 'catchment systems perspective,' as defined above, prompts assessment of how multiple levels and domains of authority may interact. For instance, at present we operate within national and (EU) regional legislative and financial contexts which have both strengths and limitations. Recent initiatives on improving infrastructure, improving waste management (including nuclear waste), payments to farmers, and banning micro-beads tend to be treated as single initiatives, but they all join up and have potential implications for CaBA. How are these initiatives currently understood and prioritised at different scales and different levels? The uncertainties associated with Brexit suggest there is a risk that some of the more recent interconnections between water and land governance that have emerged need to be made explicit, as they could be assumed and then deconstructed as legislation is repealed and forgotten. Learning might be gained from examining the Welsh Government's current approach to a post-Brexit world, with the Ministerial Stakeholder Group working towards a vision of integrated sustainable management of natural resources (building on the requirements of the Environment Act 2016). Early work suggests they are tackling the issues of interconnections in a direct and joined up manner.

As argued above, we suggest that the definition of the CPs and their mandate needs to be expanded so that it emphasises more than the WFD. CaBA is at risk of being interpreted solely as a top-down derived support mechanism for delivery of WFD. The objectives still need to specifically include themes such as water quality, natural flood management, biodiversity and climate change, but critically also those of relevance to local communities who are key to real delivery and, crucially, what contribution this could and should make to prosperity, health and well-being.

As noted in above, CaBA was intended to help fill a gap in water governance. But the nature of the gap in governance arrangements and its context is far from clear:

- **Top down** – national direction from the River Basin Management Plans and Flood Risk Management Plans are poorly aligned from a water perspective
- **Bottom up** – there is a plethora of overlapping Defra place based initiatives (e.g. Local Nature Partnerships etc.), from a national perspective only the CaBA CPs provide full national coverage
- **The 'middle'** - between top down and bottom up is very muddled and lacks effective provisions for communication, coordination and planning alignment.

In the 'middle' there is a multiplicity of entities with a wide range of overlapping remits and varying status and roles. From just a water perspective these include Water Company 'Customer Challenge Groups', River Basin District Liaison Panels, and the Regional Flood and Coastal Committees (RFCCs).

The current and future status and role of the CPs is thus heavily dependent on their recognition and acceptance across all public sector agencies, and hence both on their mandate and their performance. Their development and performance are heavily dependent



on their technical capacities and on the continuity of core funding backed up then by their ability to leverage other resources. The CaBA PF goes part way to giving partnerships some formal recognition of their status through the contracting with the Environment Agency. We note this provides flexibility to allow local partnerships time to develop and mature. But this legitimacy is in a form which expires at the end of each financial year and would expire permanently if the Government decided to stop paying hosting finances.

Rather than simply focussing on CaBA as a delivery mechanism for WFD targets, a wider and longer term vision, consequent with a policy-backed mandate and more secure financial model(s) would help the CPs develop a longer term strategy and working relationships with multi-level and multi-sector stakeholders and partnerships to deliver improvements in the systemic governance of catchments.

## **The Catchment Systems Group**

**October 2016**